Established in 2008

"बेटी बचाओ, बेटी पढ़ाओ"

Jayoti Vidyapeeth Women's University, Jaipur

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THE DEPARTMENT OF JUSTICE'S CULPABILITY IN WHITE COLLAR CRIME IN INDIA: A CRITICAL STUDY

Submitted by

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INTRODUCTION

A crime committed by a person of high social standing while working was first referred to as "white-collar crime" by sociologist Edwin Sutherland in 1949. White-collar workers held non- laboring office positions, while blue-collar workers typically wore blue shirts and worked in factories, plants, and mills.

Well-known individuals who have been convicted of white-collar crimes have participated in insider trading, accounting fraud, securities fraud, and Ponzi schemes.

Among the many new white collar crimes made possible by the internet are so-called Nigerian scams, in which phoney emails request assistance in forwarding a sizeable sum of money to a criminal ring. Insurance fraud and identity theft are two other common white-collar crimes.

White-collar crime, in other words, corporate crime, is a definition given to financially motivated but non-violent crimes committed by individuals, government professionals, and businesses.

Sociologist Edwin Sutherland described the term first in 1939. According to Sutherland, white- collar crime was defined as a crime committed by a respectable and high social status person during the profession. Before Sutherland introduced the concept, this was considered largely inadequate for the upper classes. Interestingly, when Sutherland published the first book on the topic, some of America's largest corporations also successfully sued for censoring the book.

In addition to state security forces, some organizations such as the FBI, Commodity Futures Trading Commission, the Securities and Exchange Commission (SEC), the National Securities Vendors Association (NASD), Internal Revenue Service, and government officials in different bodies investigate white-collar crimes According to the FBI, a key agency investigating white- collar crimes, "these crimes are characterized by concealment, deception, or breach of trust". They have special teams to investigate them in local, regional, and international scopes.

Advancement in commerce and technology has invited unprecedented growth in one of the types of white collar crimes, known as cybercrime. Cybercrimes are increasing because there is only a little risk of being caught or apprehended. India's rank on Transparency International's corruption perception index (CPI) has improved over the years.

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White collar crime in India

Corruption, fraud, and bribery are some of the most common white collar crimes in India as well as all over the world. The Business Standard on 22.11.2016 published a report titled 'The changing dynamics of white collar crime in India' stating that in the last 10 years, the Central Bureau of Investigation (CBI) has found a total of 6,533 cases of corruption out of which 517 cases were registered in the past two years.

Statistics showed that 4,000 crores worth of trading was carried out using fake or duplicate PAN cards. Maharashtra showed a rapid increase in the number of online cases with 999 cases being registered. The report also mentioned that around 3.2 million people suffered a loss because of the stealing of their card details from the YES Bank ATMs which were administered by Hitachi Payment Services.

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In 2014, India was ranked 85th which subsequently improved to 76th position in 2015 because of several measures to tackle white collar crimes. In 2018, as per the report of The Economic Times, India was placed at 78th position, showing an improvement of three points from 2017, out of the list of 180 countries.

India is a developing country and white collar crimes are becoming a major cause for its under development along with poverty, health, etc. The trend of white collar crimes in India poses a threat to the economic development of the country. These crimes require immediate intervention by the government by not only making strict laws but also ensuring its proper implementation.

Reasons for the growth of white collar crimes in India

Greed, competition and lack of proper laws to prevent such crimes are the major reasons behind the growth of white collar crimes in India.

Greed

The father of modern political philosophy, Machiavelli, strongly believed that men by nature are greedy. He said that a man can sooner and easily forget the death of his father than the loss of his inheritance. The same is true in the case of commission of white collar

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crimes. Why will a man of high social status and importance, who is financially secure, commit such crimes if not out of greed.

Easy, swift and prolong effect

The rapid growing technology, business, and political pressure has introduced the criminals to newer ways of committing white collar crimes. Technology has also made it easier and swifter to inflict harm or cause loss to the other person. Also, the cost of such crimes is much more than other crimes like murder, robbery or burglary, and so the victim would take time to recover from it. This would cut down the competition.

Competition

Herbert Spencer after reading 'On the Origin of Species' by Darwin, coined a phrase that evolution means 'survival of the fittest'. This implies that there will always be a competition between the species, and the best person to adapt himself to the circumstances and conditions should survive.

Lack of stringent laws

Since most of these crimes are facilitated by the internet and digital methods of transfer payments, laws seem reluctant to pursue these cases as investigating and tracking becomes a difficult and complicated job. Why it becomes difficult to track it is because they are usually committed in the privacy of a home or office thereby providing no eyewitness for it.

Modern technology

With modern technology ease of business is one of its expectations, in a sense, it also applies to white-collar crimes which have allowed them to reach out to a larger number of people and commit large scale crimes without being noticed by the law. Many have fallen victim to different scams such as the credit card scam, moreover, the pandemic opened up a new market for them by exploiting the medical field and creating a black market for Covid medications such as “Remdesivir” and over a hundred cases were lodged against the illegal sales and use of thismedicine and in most cases, the Doctors and Hospital staff were involved. The need and greed of people have driven them to the extent of exploiting any possible field. It doesn't stop there the development in technology is so rapid that people can acquire nuclear weapons with a click of a button, this was the case in Mumbai when authorise seized two people acquiring 7kgs of natural uranium which is highly

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radioactive and dangerous to human life. This makes us question the level of threat that these cartels and organizations impose on the nation and the level of sophistication these crimes have reached for the personal gains of their lives.

Lack of awareness

The nature of white collar crimes is different from the conventional nature of crimes. Most people are not aware of it and fail to understand that they are the worst victims of crime. People who are victims of these crimes fail to comprehend the notion of the crime and understand the exact offence which has been committed and whom to approach or lodge a complaint against because most of the time it involves a large corporation and there may be little or no evidence to essentially produce a criminal and in certain crimes such as scam or fraud people may not even realise that they have fallen victim to a crime such as a bank fraud where yearly there are over thousand cases registered. And in a scam, such as a double-dip scam the victim may fall prey again because the information of the victim is stored and passed on to another scammer. Especially in metropolitan cities these cases are rising but we lack the awareness to become victims of such crimes, a wider reach is required and awareness campaigns by the government may help people understand the severity of these crimes and the loopholes these criminals use and may help reduce the rate of white-collar crimes in future.

Competition

We live in a fast pace world where only the fittest can survive and it has grown to such an extent that crimes are committed for survival especially belonging to the lower socio-economic classes their work environment is poorly designed and they are often underpaid so in order to earn more and make a decent living their moral and ethnic values may be compromised and just to move out of poverty or to make more gains their behaviour cannot rationalised and is often out of greed that they have no limits. Criminal organizations and cartels are also multiplying and advancing in their methods due to this competition.

Necessity

People also commit white collar crimes to meet their own needs and the needs of their family. But the most important thing that the people of high social status want to feed their ego.

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The reasons behind white collar criminals going unpunished are:

Legislators and the people implementing the laws belong to the same class to which these occupational criminals belong.

The police put in less effort in the investigation as they find the process exhausting and hard, and often these baffling searches fail to promise favourable results.

Laws are such that it only favours occupational criminals.

The judiciary has always been criticised for its delayed judgement. Sometimes it so happens that by the time court delivers the judgement, the accused has already expired. This makes criminals loose in committing crimes. While white collar crimes are increasing at a faster rate, the judiciary must increase its pace of delivering judgements.

Types of White-Collar Crime

The term "white-collar crime" refers to a broad range of crimes, including the following:

1. Fraud

Fraud is a blanket phrase that covers a wide range of techniques used to defraud people of their money. The offer to transfer someone a large number of money (like □10,000 lakhs) in exchange for a small sum of money (like □3,000), which the con artist may pass off as a processing or finder's fee, is one of the most common and basic scams. Naturally, the con artist gets the money transferred to him, but he never gives out the money he promised.

2. Insider trading

Insider trading is the practice of trading while having access to important, confidential information that gives the trader an advantage in the financial markets. An employee of an investment bank, for instance, might be aware that Company A is preparing to acquire Company B. The employee can put money into Company B with the anticipation that once the purchase is made public, the company's stock price will jump sharply.3. Ponzi scheme

After Charles Ponzi, the first perpetrator of such a scam, a Ponzi advert is a financial fraud that makes unusually high returns to investors. It pays such rewards to the initial investors using the newly deposited funds of new investors.

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When the con artist is unable to bring in enough new clients to pay off the old ones, the scheme falls apart like a house of cards, leaving many investors with large losses.

4. Identity theft and other cybercrimes

India's worrying 63.5% surge in cybercrime cases in 2019 indicates that the nation has become a prime target for these crooks. 60.4% of all reported cybercrime cases involved fraud. Due to the pandemic, the majority of Indian businesses saw a surge in cyberthreats or alerts of more than 25% during the transition to working from home.

5. Embezzlement

Embezzlement, sometimes known as larceny, is a type of theft that can take many different forms, from an employee taking a few dollars from the cash register to a complex strategy to move millions from the company's accounts to the embezzler's accounts.

6. Counterfeiting

The issue of product counterfeiting is well-known and has existed for a very long time. Ancient times saw the use of trademarks, and when there are trademarks, counterfeiting quickly follows. In recent times, the issue has received increased attention. Finding out the extent of the market for counterfeit goods would seem to be the reasonable first step.

However, determining the size of this illegal commerce is a challenging undertaking. First, since counterfeit trade is by definition unlawful, no direct measurement of it can be done. It is impossible to draw any inferences from these numbers because customs seizures make up such a small portion of total trade.

7. Money laundering

Criminals require a service like money laundering when working with significant sums of cash. It comprises moving the funds through several accounts before finally depositing them into genuinebusinesses, where they are combined with the legitimate revenues and lose their initial capacity to be linked to illicit activities.

8. Espionage

It is possible to say that the espionage system in ancient India was a vast network that permeated practically all administrative divisions. Through this network, the monarchs

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attempted to gather information, and by acting on that knowledge, efficient and successful rule was maintained.

The government used double agents, counterspies, and spies. In the past, they were actively gathering intelligence around the empire. Then this intelligence was translated. To prevent them from knowing one another, the interpreters and intelligence gatherers were kept apart.

CULPABILITY IN WHITE COLLAR CRIME IN INDIA

- **In medical profession**: The problem of relationship between the doctor and the patient hadbeen recognized long back by the penologists. Manu said that the ones indulging in false practices, for example, where a doctor makes false diagnosis report, heavy fine would be levied on him. Removing of immature fetus was considered to be a heinous crime and such person was called to be subject to severe punishment.

There have happened many cases where the medical practitioner have had no license to practice medical profession. The doctor treating the patient had turned out to be a fake doctor who has only deceive the patients by not treating them properly and running away with their money.

Examples of white collar crime in medical profession could be- issuing fake medical certificates, facilitating illegal abortions, selling sample drugs and medicines directly to the patients or to the chemists in India. Sometimes, the professionals in the medical field are seen giving advice to criminals of how to escape the allegations using medical grounds.

In Karnataka, two doctors, K.H. Jnanendrappa and K.M. Channakeshava, were charged with making fake medical certification for Abdul Karim Telgi, who was involved in a multicrore stamp paper racket in order to help him get bail on the ground of health issues. Therefore, under the Prevention of Corruption Act, 1988 they both were held liable with 7 years' imprisonment and with a fine of 14 lakh rupees each.

- **In legal profession**: Use of fake evidence, fake witnesses in the court and thus extracting a huge sum of money from their clients, the lawyers too commit white collar

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crime. Legal practitioners with the help of ministerial support involves in wrongful practices and violate all the ethical standards for some of some amount of money.

So in the case of D.K. Gandhi v. M. Mathias when referring to what Supreme Court had said in Jacob Mathew v. State of Punjab, held the appeal and left the matter to be decided by the State Commission based upon the law.In the case of Jacob Mathews, the Supreme Court had said that: in law of negligence, the professionals from different professions like, legal, medical, or architecture, or any other would be held liable for negligence in practicing their profession if that either of the two given conditions are satisfied: a. He did not have the required skill that was needed to be professed and, b. Even if he has the required skills to be professed, he did not exercise the same.

- **In engineering profession**: Engineers are often found to be involved in providing substandard works and materials.

In April 2019, India Today reported that an assistant engineer by the name of S.F. Kakulte was arrested for negligence because of which a bridge had collapsed. Along with Kakulte four other engineers and the chief engineers of Bombay Municipal Corporation were involved in the project. The Structural Auditor, Neeraj Desai, was also arrested for negligence in the report. He claimed that beams, pillars, metal fixtures were audited but the concrete slabs were not mentioned in the inventory given to him for the audit as a result 6 people had died and 35 were seriously injured.

- **In education**: Many private educational institutions involve themselves in fake practices like using fictitious documents to and fake details in order to obtain grants from the government to run their institution.

It was in 2019 when the New India Express has reported that a senior railway ticket checking staff was arrested by the Central Crime Branch for leaking out the question papers of the exams for the post of constables in return of money.

White collar crime investigation

White collar crime investigation process

There has been a recent growth in the investigation process of white collar crimes in India. With the increase in the number of anti-corruption marches, the companies are

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experiencing an increase in a time-to-time investigation. These internal investigations acts as a watchdog against any unwanted activity. This further prevents the company from embarrassing raids. In India, there is no strict procedure which needs to be followed while conducting these internal investigation relating to the white collar crimes.

With the breakout of the #MeToo movement, companies have got an incentive to fasten their investigations in sexual harassment cases.

For example

When the CEO of ICICI Bank, Chanda Kochhar was facing charges of fraud, the bank resorted to internal investigation by Reserve Bank of India, Securities and Exchange Board of India and Central Bureau of investigation. To look into the matter an independent committee was set up which was headed by retired supreme court judge, Justice B.N. Srikrishna.

When Binny Bansal, Co-founder and group chief executive of Flipkart, was alleged for serious misconduct, the bank decided for an independent investigation which would be carried out on behalf of Flipkart and Walmart.

White collar crime investigati on techniques

There are a few basic techniques for the investigation of white collar crimes, and they are:

There should be an informant in the team who would give the first hand information about a white collar crime taking place or had taken place in a company and keeps the investigating officers updated with all that was, is or will be going on in the company. Unless and until somebody informs the police about the crime, no investigation can take place. Therefore, the role of informants become important.

Involvement of undercover agents. The presence of undercover agents are important as they help in tracing those evidence which are not prima facie evidence. They also help in giving informationregarding people who go underground and then commit serious offences. Since tracking such people is not possible by the police officers, they appoint undercover agents who without any hint to the accused gets all the details about him.

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Introducing the examination of the physical evidence in the laboratory is very crucial for deciding a case. The medical evidences play a key role in giving a direction to a case. If not manipulated, then the medical tests are very efficient in determining who the accused would be in cases of serious offences, like rape.

Police officers are often seen conducting physical surveillance through dogs and electronic surveillance through CCTVs, or tracking call records, etc. These surveillance helps in tracking down even the smallest of evidence against the suspect.

Interrogation is that tool in the hands of the police which helps in taking out those information from the suspects which they would not have otherwise given.

Wiretapping where the law permits to do it helps in proving the guilt by way of producing call record in the court. In some cases, call records are sufficient evidence to hold a person guilty of an offence.

Legislation against white collar crime in India

There are several provision that exists for identifying white collar crime. Government in order to ensure that the criminal committing white collar crime be punished has brought in the following legislations-

The Companies Act, 1960

The Income Tax Act, 1961

Indian Penal Code, 1860

The Commodities Act, 1955

The Prevention of Corruption Act, 1988

The Negotiable Instrument Act, 1881

The Prevention of Money laundering Act, 2002The Information Technology Act, 2005

The Imports and Exports (control) Act, 1950

The Special Court (Trial of offences relation to Transactions in Securities) Act, 1992

The Central Vigilance Commission Act, 2003

Some important legislations and their flaws

1) **Fugitive Economic Offenders Act, 2018-** This act was passed to ease out the process of dealing with offenders who seek asylum in countries outside India so, to account

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for the damage done their properties and assets are confiscated but the problem lies with the fact that this legislation only deals with accountable money of at least 100 million. So, what about crimes committed by people for an amount of fewer than 100 crores, are they not liable? Or is the government not willing to be strict enough for them? This seems to be a grey area because it neglects crimes that include a smaller sum of money and this could also allow them to evade law and order.

2) **Prevention of Money-laundering Act,2005-** This act has helped curb Money laundering domestically and it has also been stretched further beyond borders to curb money laundering related activities due to strict foreign-exchange regulations. Similar to most white-collar crimes, this involves a large number of people being involved But with the rise of technology, it has simplified such tasks and has turned out to be more complex and digital and with the accessibility of the Cryptocurrency platform w new form of money laundering has emerged where criminals can move funds more easily and effectively online across the entire world with just a click of a button and we lack relevant laws to keep up with these technological advancements.

3) **Prevention of Corruption (Amendment) Act 2018-** This act was passed in 1988 to curb corruption in India and with its recent changes in 2018 it has proven to be more effective however the cost of it was making the trial a longer procedure and the requirement to procure a sanction to initiate a probe on a public servant moreover the burden of proof is now on the prosecution and in some cases where corruption is usually committed by higher officials it acts as a shield and a longerprocedure would allow them to figure out loopholes which makes it easier for such offenders go unpunished in some cases

4) **Indian Penal Code 1860-** Although the IPC covers different ambits of crimes and offences it fails to cover the entirety of white-collar crimes which is vast in nature and although it includes crimes like forgery, corruption, bribery, counterfeiting etc it does not satisfy with what can be defined as a white-collar crime. For example, under Sec.465 punishment for forgery of documents shall only be punished for a term of up to 2 years which may be inadequate since in recent times these can be said to be grievous in nature and our social and economic system has evolved to such an extent that the IPC is falling behind and may not be able to meet with the current needs.

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Recent white collar crime cases in India

SEBI v. Burman Plantation and Others (2013)

Before the High Court of Allahabad, the learned counsel on behalf of SEBI claimed that the company is being wrongly accused as the company was not in a position to pay its debts, including payments to its investors. When the advertisement by the company was put to question, the council said that the advertisement was given in 2003 while the order was passed in 2004, when the company was not in a position to payback its debts.

Moreover, the sum of money which the investors were claiming was nowhere cited. The main claim of the counsel made the legislatures raise the punishment from 1 year to 10 years and also increased the fine which may now extend to 25 crores by amending the laws under section 24(1) of the SEBI Act. At last, Ravi Arora, the accused, was held liable.

Abhay Singh Chautala v. C.B.I. (2011)

There were two appellants in the present case against whom a charge sheet was filed for committing an offence under Section 13(1)(e) and 13(2) of the Prevention of Corruption Act, 1988 read with Section 109 of the Indian Penal Code, 1860 in separate trials. It was alleged that both the accused had accumulated disproportionate wealth as per their income when they were they members of the Legislative Assembly.When the Central Bureau of Investigation (CBI) initiated its investigation it was found that the father of the appellant had acquired huge properties and same as the case with the appellants. The High Court held that the appellant had provided a totally different office(s) of the accused than they were actually holding at that time. Thus the sanction under Section 19 of the Prevention of Corruption Act, 1988 was held to be without any merit.

Binod Kumar v. State of Jharkhand & Others (2011)

This case was filed against several ministers of the State of Jharkhand along with the Chief Minister for having the possession of unaccountable money. The High Court had requested the Central Government to transfer the case from Enforcement Directorate to CBI by way of power given to it under Section 45 (1A).

It was alleged that the ministers were in possession of hefty amounts of money and though no evidence was found to charge them with money laundering case, a strict investigation was proposed.

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The ministers were said to be the owners of property not only in India but abroad as well. Therefore, the court asked for an investigation to determine this wealth was acquired by making use of the official position. It was to be clarified if a white crime has been committed under the Prevention of Corruption Act, 1988 and under the Indian Penal Code, 1860.

The CBI started its investigation under Prevention of Corruption Act, 1988 and the Indian Penal Code, 1860 as the power to carry on investigation under Prevention of Money Laundering Act was only with the Enforcement Directorate, which is of course subjected to the power given to the Central Government under Section 45 (1-A) of the Prevention of Money-laundering act.

Measures to curb white collar crimes

The measures that can be adopted to prevent the commission of white collar crimes are:

The top investigating agencies of the country like the Central Bureau of Investigation, the Enforcement Directorate, the Income-tax Department, The Directorate of Revenue Intelligence and the Customs Department, needs strengthening, by way of implementing strong regulating policies. The Central Vigilance Commission should monitor the working of the officials sitting at top positions and also cross-check their works, so as to ensure transparency in the system.

As the method of commission of such white collar crimes is advancing, so should the training of the investigating officials. It often happens that ageing officers are well experienced to understand the nature and techniques, but are not able to utilise the technology for tracking the suspect. This happens due to lack of training. So, every investigating officer must be trained in such a manner that, no matter how complicated the case is, they would be able to easily resolve it.

To uproot the existence of such crimes, it is very important to include strict laws into the system. Less amount of fine and shorter period of imprisonment makes it very casual for the offenders to commit such crimes.

Fast track courts and tribunals should be set in all the parts of the country for the early disposal of these cases. The tribunal should be provided with the power to fine or

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imprison someone who has been held guilty. Such measures would lower the rates of occurrence of white collar crimes.

The electronic and print media should be utilized in the right way to spread awareness about white collar crimes. The general people need to be aware of such crimes and that they are taking place everywhere, from a small cafe to big multinational companies. Also, they need to be aware of the remedies they could seek in case they become victim to such crimes.

Stringent laws and hefty fine and long term imprisonment should be given to the offenders for committing such crimes. And for this to happen, the Indian Penal Code, 1860 should be amended and include provisions for the white collar crimes. For example, the IPC could have a separate chapter dealing with white collar crimes.

OBJECTIVES

1. To find out the working position, role and effectiveness of various institution/authorities dealing with anti-white collar crimes.
2. A positive analysis of various legislations relating to white collar crimes mean for curbing the white collar crimes.
3. To find various practical problems regarding the enforcement and adjudication of the white collar crimes.
4. To analysis the concept of white collar crimes prevailing in today's scenario.

Literature review

Certainly! Here is a list of notable literature on white-collar crime in India:

1. "Corruption and Development: The Indian Experience" by Arvind K. Jain (2001)
2. "White Collar Crimes: A Study of Organised Financial Fraud in India" by Nirmal Kumar Betchoo (2010)
3. "White Collar Crimes in India: Magnitude, Challenges, and Responses" by Arvind Verma and Ram B. Bhagat (2011)
4. "White-Collar Crimes: An Insight into Fraud and Corruption in India" by Vinita Jethwani and Vartika Srivastava (2016)

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5. "Fraud and Corruption in Public Services: An Analysis of Indian Perspectives" edited by Pradip K. Bhaumik and S. Ramnarayan (2017)
6. "Understanding White-Collar Crime in India: Insights from Criminological Perspectives" by Abhishek Chaklader (2020)
7. "Combating Corruption and Money Laundering in India: The Role of Public Procurement" edited by Jayanta Kumar Sarkar and Tirthankar Nag (2020)
8. "White-Collar Crimes in India: An Overview" by Sharada Srinivasan and Brinda Viswanathan (2019)
9. "White Collar Crimes in India: History, Concepts, and Controversies" by N. Jayaram (2013)
10. "Crime, Corruption and Politics in India" by N.C. Saxena (2013)

These books provide comprehensive insights into various aspects of white-collar crime in India, including its nature, causes, consequences, and regulatory challenges. They offer a mix of theoretical frameworks, empirical research, case studies, and analyses of the Indian context.

Notable Studies and Authors:

- Arvind Verma and Ram B. Bhagat: "White-Collar Crimes in India: Magnitude, Challenges, and Responses" (2011)
- N. Jayaram: "White-Collar Crimes in India: History, Concepts, and Controversies" (2013)
- Vinita Jethwani and Vartika Srivastava: "White-Collar Crimes: An Insight into Fraud and Corruption in India" (2016)
- Sharada Srinivasan and Brinda Viswanathan: "White Collar Crimes in India: An Overview" (2019)
- Abhishek Chaklader: "Understanding White-Collar Crime in India: Insights from Criminological Perspectives" (2020)

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Methodology

The methodology for studying White collar crimes in India would typically involve the following steps:

1. **Research Design:** Determine the overall research design and approach for the study. Consider whether it will be qualitative, quantitative, or a mixed-methods approach. Define the research questions or objectives that will guide the study.
2. **Literature Review:** Conduct a comprehensive literature review to identify existing studies, research papers, reports, and legal frameworks related to White collar crimes in India. This step helps establish a theoretical foundation and informs the research methodology.
3. **Data Collection:** Determine the appropriate methods for data collection. This may include: Case Studies: Analyze specific dispute cases to gain a deeper understanding of the application of legal remedies.
4. **Legal Analysis:** Conduct a detailed analysis of the relevant legal frameworks, policies, and regulations Preventive White collar crimes in India.
5. **Data Analysis:** Analyze the collected data using appropriate analytical techniques. For quantitative data, statistical analysis can be applied to identify patterns, correlations, and trends. Qualitative data can be analyzed through thematic coding and content analysis to identify key themes and insights.
6. **Findings and Interpretation:** Present the findings of the study, both qualitative and quantitative, in a clear and concise manner.
7. **Recommendations:** Based on the findings, provide recommendations for Prohibition White collar crimes in India. These recommendations may involve policy reforms, legal amendments,strengthening enforcement mechanisms, or Preventive White collar crimes in India.
8. **Ethical Considerations:** Ensure ethical considerations are addressed throughout the research process, including obtaining informed consent from participants, protecting participant confidentiality, and following ethical guidelines for research involving human subjects.

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9. **Limitations:** Identify and discuss the limitations of the study, such as sample size limitations, potential biases, or generalizability issues, to provide transparency and context for the findings.

10. **Conclusion:** Summarize the main findings, contributions, and implications of the study. Reflect on the significance of the research for understanding and Preventive White collar crimes in India.

BIBLIOGRAPHY

1. **Kundu, B., & Roy, S. (2017). Corporate Frauds in India:** A Case Study of Satyam Computers Limited. International Journal of Social Science and Economic Research, 2(12), 6225-6240.
2. **Singh, A. (2019). White-Collar Crimes in India:** An Overview. Prabandhan: Indian Journal of Management, 12(6), 7-19.
3. **Bhattacharya, H., & Nandi, S. (2020). Fraudulent Practices in Indian Financial Institutions:** A Study on White-Collar Crime. International Journal of Research in Business Studies and Management, 7(5), 67-78.
4. **Joshi, P., & Joshi, A. (2018). White Collar Crimes in India:** A Study. International Journal of Advanced Research, 6(1), 2455-2460.
5. **Haldar, D., & Singh, R. K. (2020). Corporate Frauds and White Collar Crimes:** An Indian Perspective. International Journal of Business and Management, 15(10), 143-156.
6. **Sharma, D., & Dasgupta, S. (2019). White Collar Crimes in India:** A Review. International Journal of Research and Analytical Reviews, 6(2), 425-431.
7. **Chatterjee, R. (2021). White-Collar Crime:** An Overview with Special Reference to India. Business Perspectives and Research, 9(1), 80-91.
8. **Jain, D., & Shukla, M. (2020). Understanding White-Collar Crimes:** An Analysis of Select Cases in India. Indian Journal of Forensic Medicine and Toxicology, 14(4), 1250-1255.
9. **Mathur, M., & Tandon, R. (2018). White Collar Crimes in India:** An Overview. International Journal of Advanced Research in Management, Engineering, and Technology, 9(1), 84-89.
10. **Jain, P., & Roy, P. (2019). White-Collar Crimes in India:** A Comparative Study of Public and Private Sectors. Journal of Indian Business Research, 11(2), 128-144.

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REFERENCES

1. Para 4; A.I.R. 1987 SC 1321
2. 1964 A.I.R. 295 SCR (4) 224
3. *Anosh Ekka v. Central Bureau of Investigation*
4. Arun Kumar Mishra v. Directorate of Enforcement
5. *People v. Fort* , 138 Mich. App. 322 (Mich. Ct. App. 1984)
6. *SEBI v. Burman Plantation and Others*, (2013)
7. *Abhay Singh Chautala v. C.B.I.,* (2011)
8. *Binod Kumar v. State of Jharkhand and Others*, (2011)
9. *D.K. Gandhi v. M. Mathias*, 6th August, 2007
10. *Jacob Mathew v. State of Punjab*, (2005) 6 SCC 1 (para 18)
11. *Galaxy Nirmaan Pvt. Ltd. v. Acit, New Delhi,*19th May, 2017
12. *Emperor v. Kanayalal Mohanlal Gujar*, (1939) 41 BOMLR 977